

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1020**

**Introduced by Assembly Member Chesbro**  
*(Principal coauthor: Senator Evans)*

February 18, 2011

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~~An act to amend Section 1179 of the Health and Safety Code, relating to public health. An act to repeal and add Section 12012.54 of the Government Code, relating to tribal gaming.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1020, as amended, Chesbro. ~~Rural health. Tribal gaming: compact ratification.~~

*Existing federal law, the Indian Gaming Regulatory Act, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law ratified the tribal-state gaming compact entered into between the State of California and the Habematolel Pomo of Upper Lake, executed on September 2, 2009, but which was later rejected by the federal Bureau of Indian Affairs.*

*The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.*

*This bill would repeal the ratification of the tribal-state gaming compact entered into between the State of California and the Habematolel Pomo of Upper Lake, executed on September 2, 2009, and would ratify a new tribal-state gaming compact entered into between the State of California and the Habematolel Pomo of Upper Lake, executed on March 17, 2011. The bill would require that related revenue contributions be deposited into the General Fund, except as specified, and would also provide that, in deference to tribal sovereignty, certain actions may not be deemed projects for purposes of the California Environmental Quality Act. By imposing additional duties on a lead agency with regard to the implementation of CEQA requirements, this bill would increase the service provided by a local agency, thereby creating a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law requires the Secretary of California Health and Human Services to establish an Office of Rural Health within the agency and sets forth its powers and duties relating to promoting a strong working relationship between state government, prescribed entities, and rural consumers and relating to developing health initiatives and maximizing existing resources without duplication. Existing law makes related findings and declarations, including, but not limited to, recognizing the need to take a comprehensive approach to strengthen and coordinate rural health programs and health care delivery systems.~~

~~This bill would make a technical, nonsubstantive change.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 12012.54 of the Government Code is
- 2     repealed.
- 3     ~~12012.54. (a) The tribal-state gaming compact entered into in~~
- 4     ~~accordance with the Indian Gaming Regulatory Act of 1988 (18~~
- 5     ~~U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)~~

~~between the State of California and the Habematolel Pomo of Upper Lake, executed on September 2, 2009, is hereby ratified.~~

~~(b) (1) In deference to tribal sovereignty, none of the following shall be deemed a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code):~~

~~(A) The execution of an amendment to the tribal-state gaming compact ratified by this section.~~

~~(B) The execution of the tribal-state gaming compact ratified by this section.~~

~~(C) The execution of an intergovernmental agreement between a tribe and a county or city government negotiated pursuant to the express authority of, or as expressly referenced in, the tribal-state gaming compact ratified by this section.~~

~~(D) The execution of an intergovernmental agreement between a tribe and the California Department of Transportation negotiated pursuant to the express authority of, or as expressly referenced in, the tribal-state gaming compact ratified by this section.~~

~~(E) The on-reservation impacts of compliance with the terms of the tribal-state gaming compact ratified by this section.~~

~~(F) The sale of compact assets, as defined in subdivision (a) of Section 63048.6, or the creation of the special purpose trust established pursuant to Section 63048.65.~~

~~(2) Except as expressly provided herein, nothing in this subdivision shall be construed to exempt a city, county, or city and county, or the California Department of Transportation, from the requirements of the California Environmental Quality Act.~~

~~(e) Revenue contributions made to the state by the tribe pursuant to the tribal-state gaming compact ratified by this section shall be deposited in the General Fund, except as otherwise provided by the compact or by a statute directing that a portion of the revenue contributions be deposited in a special fund.~~

~~SEC. 2. Section 12012.54 is added to the Government Code, to read:~~

~~12012.54. (a) The tribal-state gaming compact entered into in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.) between the State of California and the Habematolel Pomo of Upper Lake, executed on March 17, 2011, is hereby ratified.~~

(b) (1) In deference to tribal sovereignty, none of the following shall be deemed a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code):

(A) The execution of an amendment to the tribal-state gaming compact ratified by this section.

(B) The execution of the tribal-state gaming compact ratified by this section.

(C) The execution of an intergovernmental agreement between a tribe and a county or city government negotiated pursuant to the express authority of, or as expressly referenced in, the tribal-state gaming compact ratified by this section.

(D) The execution of an intergovernmental agreement between a tribe and the California Department of Transportation negotiated pursuant to the express authority of, or as expressly referenced in, the tribal-state gaming compact ratified by this section.

(E) The on-reservation impacts of compliance with the terms of the tribal-state gaming compact ratified by this section.

(F) The sale of compact assets, as defined in subdivision (a) of Section 63048.6, or the creation of the special purpose trust established pursuant to Section 63048.65.

(2) Except as expressly provided herein, nothing in this subdivision shall be construed to exempt a city, county, or city and county, or the California Department of Transportation, from the requirements of the California Environmental Quality Act.

(c) Revenue contributions made to the state by the tribe pursuant to the tribal-state gaming compact ratified by this section shall be deposited in the General Fund, except as otherwise provided by the compact or by a statute directing that a portion of the revenue contributions be deposited in a special fund.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

~~SECTION 1. Section 1179 of the Health and Safety Code is amended to read:~~

~~1179. The Legislature finds and declares all of the following:~~

1     ~~(a) Outside of California's four major metropolitan areas, the~~  
2     ~~majority of the state is rural. In general, the rural population is~~  
3     ~~older, sicker, poorer, and more likely to be unemployed, uninsured,~~  
4     ~~or underinsured. The lack of primary care, specialty providers and~~  
5     ~~transportation continue to be significant barriers to access to health~~  
6     ~~services in rural areas.~~

7     ~~(b) There is no coordinated or comprehensive plan of action for~~  
8     ~~rural health care in California to ensure the health of California's~~  
9     ~~rural residents. Most of the interventions that have taken place on~~  
10    ~~behalf of rural communities have been limited in scope and purpose~~  
11    ~~and were not conceived or implemented with any comprehensive~~  
12    ~~or systematic approach in mind. Because health planning tends to~~  
13    ~~focus on approaches for population centers, the unique needs of~~  
14    ~~rural communities may not be addressed. A comprehensive plan~~  
15    ~~and approach is necessary to obtain federal support and relief, as~~  
16    ~~well as to realistically institute state and industry interventions.~~

17    ~~(c) Rural communities lack the resources to make the transition~~  
18    ~~from present practices to managed care, and to make other changes~~  
19    ~~that may be necessary as the result of health care reform efforts.~~  
20    ~~With numerous health care reform proposals being debated and~~  
21    ~~with the extensive changes in the current health care delivery~~  
22    ~~system, a comprehensive and coordinated analysis must take place~~  
23    ~~regarding the impact of these proposals on rural areas.~~

24    ~~(d) Rural areas lack the technical expertise and resources to~~  
25    ~~improve and coordinate their local data collection activities, which~~  
26    ~~are necessary for well-targeted health planning, program~~  
27    ~~development, and resource development. Data must be available~~  
28    ~~to local communities to enable them to plan effectively.~~

29    ~~(e) The Legislature recognizes the need to take a comprehensive~~  
30    ~~approach to strengthen and coordinate rural health programs and~~  
31    ~~health care delivery systems in order to accomplish both of the~~  
32    ~~following:~~

33    ~~(1) Facilitate access to high quality health care for California's~~  
34    ~~rural communities.~~

35    ~~(2) Promote coordinated planning and policy development~~  
36    ~~among state departments and between the State and local public~~  
37    ~~and private providers.~~